

BEFORE THE
Federal Communications Commission
 WASHINGTON, D.C. 20554

In the Matter of)
)
 Implementation of Section 25 of)
 The Cable Television Consumer)
 Protection and Competition Act)
 Of 1992)

MM Docket No. 93-25

To: The Commission


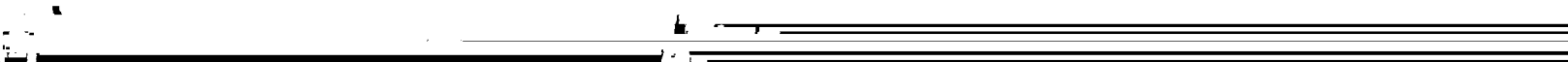





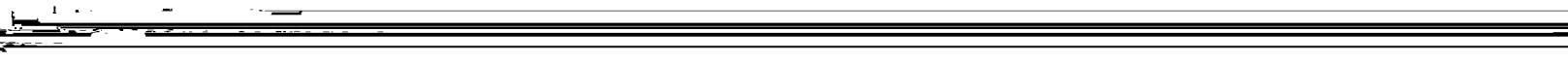
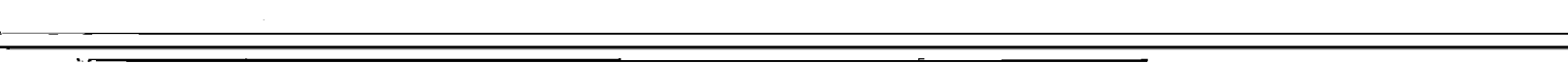
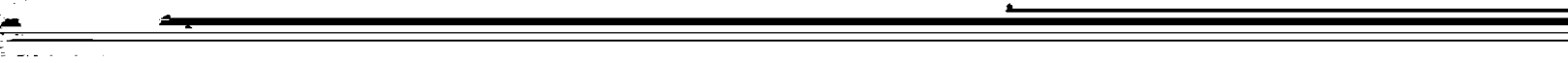



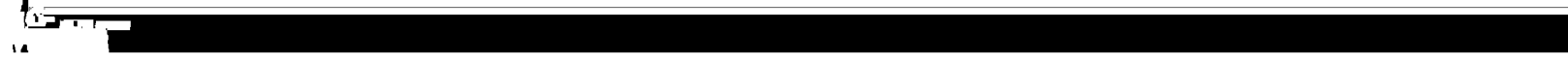






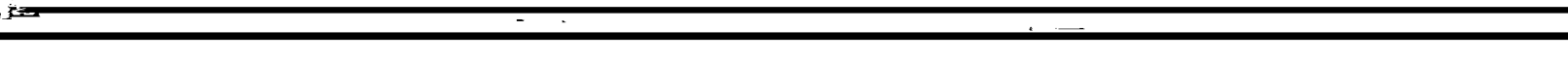


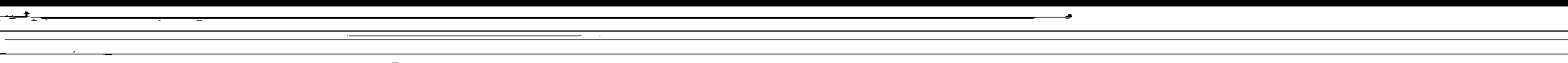
COMMENTS

The undersigned licensees and permittees of radio stations located in markets of varied size throughout the United States (hereinafter "Joint Parties"), by their attorneys, hereby comment on the Commission's above-captioned Notice of Proposed Rulemaking, FCC 93-91 (released March 2, 1993) ("NPRM"). In the NPRM, the Commission solicits comments concerning the need to require satellite video programmers to comply with basic public interest requirements mandated under the Communications Act of 1934, as amended (the "Act"). The Joint Parties wholeheartedly support this initiative.

Although the NPRM and the Cable Television Consumer Protection and Competition Act of 1992, pursuant to which the NPRM was adopted, address satellite video programming only, similar public interest issues are raised by other forms of satellite broadcasting, including satellite digital audio broadcasting ("DAB"), which is now being considered by the Commission. See Amendment of the Commission's Rules With Regard

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to Establishment and Regulation of New Digital Audio Services,
7 FCC Rcd 7776 (1992). The Joint Parties have been active in the
proceedings concerning satellite DAB since the first applications
were filed, consistently emphasizing that many important public
interest and other regulatory issues should be weighed prior to



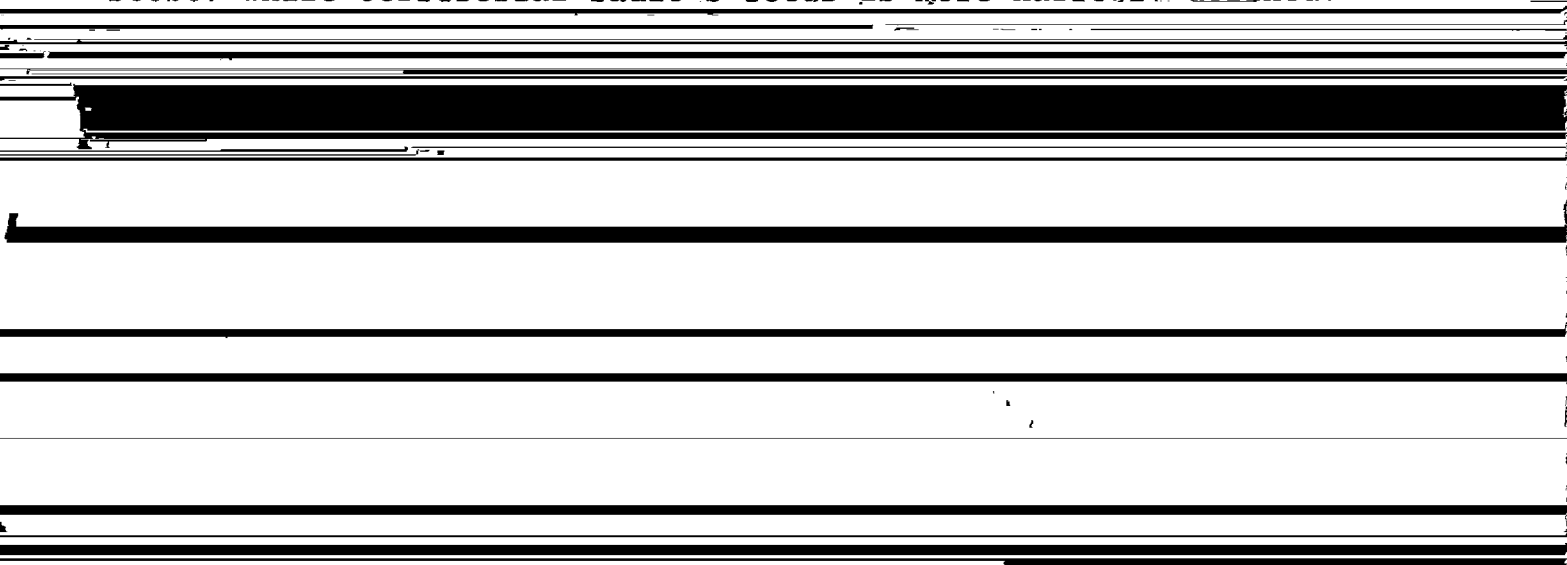
principle of localism. See NPRM at 34. This is not the case, however, because meaningful local service requires substantially more than technological capability; it also requires ongoing involvement in the community by operators and managers who live and work in communities and who are aware of and respond to local needs, problems and concerns. Local radio stations provide coverage of local events and issues, as well as warnings, updates and coverage concerning local emergencies, such as hurricanes, snow storms, earthquakes, and industrial accidents. Moreover, local stations frequently promote, sponsor and provide programming and support for local civic and charitable activities.

Even if a satellite operator has the technological capability to focus a spot beam on Pascagoula, Mississippi or Peoria, Illinois, it will never be economically feasible for such an operator to provide to those communities the types of local service described above. Cf. NPRM at ¶¶ 34 and 36. Thus, satellite broadcasters can never be more than electromagnetic carpetbaggers, aggregating listeners from many communities to achieve greater profits, but impervious to the particular concerns of each locality.

Although DBS may well ultimately provide public interest benefits by serving as a competitor to cable television, it does not automatically follow that direct satellite broadcasting should be extended to other, non-video forms of program delivery. For example, competition exists at a much

greater level in the terrestrial radio broadcast industry than it does in the cable television industry and, while cable radio programming exists, it does not appear to have anywhere near the growth potential of cable television -- it is merely an offering ancillary to that service. Unlike television at the advent of cable, radio listeners already enjoy high quality service with a wide variety of formats.

Although the Commission may ultimately conclude that some sort of regional local public interest obligations can be successfully imposed on DBS operators, the notion that regionally-oriented fulfillment of local public interest obligations would be sufficient for a satellite-delivered radio broadcast service is not tenable. The Commission itself observed that use of satellite spot beam technology to provide more localized service "might not be workable if localism were defined as individual communities but might be compatible with a regional definition." NPRM at ¶ 35. Service to individual communities, of course, is the model upon which radio localism is based, i.e., terrestrial television has always been considered regional in scope, while terrestrial radio's focus is more narrowly defined.



are legally regarded as 'regional' broadcasting facilities rather than purely 'local' ones"). Thus, any decision to premise fulfillment of local public service obligations on regional coverage is wholly inapplicable to radio broadcasting.

Although, the Joint Parties recognize that the scope of this proceeding is limited to the public interest obligations of DBS video providers, they believe that the Commission would be well advised to consider fully the issues raised here before authorizing a satellite DAB service. The public interest in preserving localism has proven to be a recurrent and problematic issue with respect to satellite video delivery. As described above, it is an even more difficult problem where audio service is concerned.

Respectfully submitted,

SHAMROCK BROADCASTING, INC.

KABL(AM), Oakland, California
KABL-FM, San Francisco, California
KUDL(FM), Kansas City, Kansas
WHB(AM), Kansas City, Missouri
KXRK(FM), Seattle, Washington
WWWW(AM and FM), Detroit,
Michigan
WFOX(FM), Gainesville (Atlanta),
Georgia
WWSW(AM and FM), Pittsburgh,
Pennsylvania
KZFX(FM), Lake Jackson (Houston),
Texas
KXKL(AM and FM), Denver, Colorado
KMLE(FM), Chandler (Phoenix),
Arizona

CLARKE BROADCASTING CORPORATION

WGAU(AM), Athens, Georgia
WNGC(FM), Athens, Georgia
KVML(AM), Sonora, California
KZSQ(FM), Sonora, California

CLASSICAL ACQUISITION LIMITED
PARTNERSHIP AND
RADIO 100 LIMITED PARTNERSHIP
WTEM(AM), Bethesda, Maryland
WGMS-FM, Washington, D.C.
KQQL(FM), Anoka, Minnesota
WBOB-FM, Minneapolis, Minnesota
FRANKLIN COMMUNICATIONS
PARTNERS, L.P.
WCAW(AM), Charleston,
West Virginia
WVAF(FM), Charleston,
West Virginia
WRKA(FM), St. Matthews,
(Louisville), Kentucky
WKSJ-FM, Mobile, Alabama
WKSJ(AM), Prichard (Mobile),
Alabama
GARAMELLA BROADCASTING COMPANY
and INTREPID BROADCASTING INC.
KJJG(FM), Spencer, Iowa
WLOL(FM), Cambridge, Minnesota
KMAP, INC.
KWAC(AM), Bakersfield, California
KIWI(FM), Bakersfield, California
KRZI, INC.
KRZI(AM), Waco, Texas
KEYR(FM), Marlin, Texas
L.M. COMMUNICATIONS, INC.
(and affiliates)
WLXG(AM), Lexington, Kentucky
WGKS(FM), Paris (Lexington),
Kentucky
WYBB(FM), Folly Beach
(Charleston), South Carolina
WCOZ(AM), St. Albans, West Virginia
WKLC(FM), St. Albans, West Virginia
LOS CEREZOS TELEVISION COMPANY
WMDO(AM), Wheaton, Maryland
MOOSEY COMMUNICATIONS, INC.
KTIE(FM), Bakersfield, California
ORANGE COUNTY BROADCASTING CORP.
KPLS(AM), Orange, California
RADIO TRIANGLE EAST COMPANY
WSAY-FM, Rocky Mount,
North Carolina
RUSTON TRIANGLE EAST COMPANY
KRUS(AM), Ruston, Louisiana
KXKZ(FM), Ruston, Louisiana

SARKES TARZIAN, INC.

WGCL(AM), Bloomington, Indiana

WTTS(FM), Bloomington, Indiana

WAJI(FM), Fort Wayne, Indiana

WJLT(FM), Fort Wayne, Indiana

SOUTH FORK BROADCASTING CORP.

WWHB(FM), Hampton Bays, New York

VANTAGE COMMUNICATIONS, INC.

KKCD-FM, Omaha, Nebraska

WKRG-TV, INC.

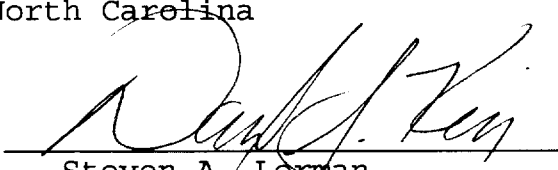
WKRG(AM and FM), Mobile, Alabama

WRMT, INC.

WRMT(AM), Rocky Mount

North Carolina

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May 24, 1993

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